

Idaho Criminal Justice Commission
Regular Meeting
December 18, 2020

Location: Zoom

Time: 8 a.m.–12 p.m.

Idaho Criminal Justice Commission Members Present:

Eric Fredericksen, Chair, SAPD	Todd Lakey, Senate Judiciary & Rules
Paul Wilde, Vice Chair, Idaho Sheriffs Association	Bart Davis, U.S. Attorney, District of Idaho
Dan Hall, Chiefs of Police Association	Colleen Zahn, Idaho Attorney General's Office
Senator Melissa Wintrow, Jud, Rules & Admin	Darren Simpson, Judge, District Court
Ashley Dowell, Comm of Pardons & Parole	Jared Larsen, Office of the Governor
Lisa Bostaph, Public Member	Denton Darrington, Public Member
Jim Cawthon, Judge, District Court	Melinda Smyser, Office of Drug Policy

Monty Prow, IDJC
Josh Tewalt, Department of Correction
Darrell Bolz, Public Defense Commission
Grant Loeb, Prosecuting Attorneys Assoc.
Seth Grigg, Idaho Association of Counties
Eric Studebaker, Department of Education

Comprising a quorum of Idaho Criminal Justice Commission (Commission)

Idaho Criminal Justice Commission Members Absent:

Dave Jeppesen, Health & Welfare
Grant Burgoyne, Senate Judiciary & Rules
Kedrick Wills, Idaho State Police
Greg Chaney, House Jud, Rules & Admin
Margie Gonzalez, Comm. on Hispanic Affairs
Sara Omundson, Idaho Supreme Court

Others Present:

Kelli D Brassfield, IAC
Kathleen Elliott, PDC
Melinda Merrill, Idaho Bail Coalition
Ruby Mendez, ACLU
Lauren Bramwell, ACLU
Lyamaris Ortiz Perez, Comm. on Hispanic Affairs

Agenda <i>Who's Responsible</i>		Meeting Outcomes/Decisions Reached	Due Date
8:00 am (10 min)	Call to Order— <i>Chair Eric Fredericksen</i> <ul style="list-style-type: none"> • Welcome and Roll Call— <i>Chair Eric Fredericksen</i> • Review Commission's Vision and Mission Statement and Values—<i>Commission Members</i> 		
Commission Management			
8:10 am (20 min)	Action Item – Approve November 2020 Minutes Does v. Wasden	<p>There was a motion to approve the minutes from the November 2020 by Darrell Bolz and seconded by Todd Lakey seconded. Motion carried.</p> <p>On December 9th the ninth circuit issued a decision in a case in regard to SORNA. This case was dismissed before Judge Nye but was partially reversed. This case was filed because of the requirements for individuals to file with the sex offender registry and the amendments to SORNA. There have been a number of amendments over the years and the plaintiffs have challenged the fact that the amendments were retroactive. The plaintiffs challenged its constitutionality. The amendments were also placed on those moving to Idaho. Specifically, new aggravated offenses were unable to petition to be removed from registry, and school ground exceptions, plus more. There were also some changes to the SOMB. In 2011, registration requirements were changed to being lifetime and there was not the ability to petition for removal.</p> <p>The 9th circuit, See Summary: Does v. Wasden AG's office is considering requesting a rehearing for all of the claims that are coming back.</p> <p>The decision was a surprise for many because there has been a precedence set and that this precedence was pretty clear. It is unknown if the amendment being retroactive are harmful.</p> <p>Information about this decision needs to be sent to the Idaho Sheriff's Association for the new sheriffs.</p>	

	<u>Subcommittee Reports</u> <ul style="list-style-type: none"> • Human Trafficking • Mental Health • Research Alliance • Sex Offense 	<p>The Human Trafficking committee is looking for a screener. From the survey it is concluded that 45% of kids are at risk and more are high risk. The survey will be reviewed to determine if the questions need to be updated/changed.</p> <p>The Sex Offenses committee had Juli Ana Grant for a presentation on SORNA. She explained that Idaho doesn't have any tiers, some of Idaho's standards are reduced, and the website does not post employer addresses. These are things that Idaho needs to correct to become compliant. The penalty is a reduction in Byrne/Jag funding.</p> <p>The Mental Health committee can be taken off the agenda since the IBHC has taken on this topic. Motion/action at the next meeting.</p> <p>Jared Larsen mention that the Governor will be asking ICJC to form a subcommittee on Indigence Missing Women (tribal criminal law). U.S. Attorney Bart Davis stated that there are additional duties from a couple of Acts. He also requests that this committee use the word "person" instead of "women" as there are men that are missing as well.</p>	
	Promote Well-Informed Policy Decisions		
8:30 am (25 min)	Criminal Justice Integrated Data System – Ashley Dowell	This group met on December 4 th to review how data will be sent and received. They talked about the history of how the system came to be as well as what the Governor would like to see. The Controller's office also did a presentation and they will be working together on the infrastructure.	
8:45 am (20 min)	Blueprint – Ruby Mendez, ACLU; Lauren Bramwell, ACLU	<p>Cont. from previous meeting.</p> <p>Approx. 21% of Idahoans have a criminal history.</p> <p>Recidivism: 71% of prison admissions in Idaho were for violations of probation or parole in 2017. 60-75% of people are unemployed a year after release.</p>	

		<p>ACLU supports the Fair Chance Employment Act: The ACLU wants to ensure Idahoans returning to the workforce have access to employment opportunities. This will decrease likelihood of recidivism and allow them to provide for themselves and their families.</p> <p>Idaho could gain as much as \$540 million over the course of a year if felony conviction individuals were employed at the same rate as others.</p> <p>ACLU has the Smart Justice Idaho Stories. You can see these stories on their website. ACLU Attach blue print: https://www.acluidaho.org/sites/default/files/field_documents/sj-blueprint-id.pdf</p> <p>Recap: The ACLU wants to decrease admission, ensure adequate public defense, reduce time served, work on re-entry solutions, and continue community engagement.</p> <p>Some ICJC members have some concerns because there “may to some” be an improper representation to this commission. A commissioner stated that if a person comes to the courts and goes to prison, they usually have multiple convictions and judges are not sending individuals to prison for being unemployed or because they violated curfew. Most of these individuals have had multiple violations. Judges try to use all the tools that have before sending individuals back to prison.</p> <p>A commissioner also asked to know what question was asked about the 71% of people that go back to prison due to probation violations. He would like to know how many violations did these individuals have, plus more... This can be misleading. The judges in this state are doing everything they can to help people in the community before they go to prison.</p> <p>The commission noted that back in the 80/90s there was a lot of prison reform, to include the Unified Sentencing Act. Good time was abolished for a good reason and some believe that we need to be careful not to travel back in time.</p>	
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9:15 am (30 min)	ICJC Strategic Plan -	<p>Eric Studebaker requested to have the Education Climate Survey be removed from the strategic plan and replaced with the Youth Risk Behavior Survey. They are working on student engagement instead of climate. What was climate assessing? It was assessing climate in the schools (measures the culture of the school, including the community) Our schools are tasked heavy with surveys. The list is long and this was removed and replaced with engagement have a direct correlation to student success. Not mandated by the state.</p>	

		<p>The Office of Drug Policy will continue to do their surveys with the school districts. As we think about our challenges, prevention is a main part of that. We need to continue to provide community and family support. This is Melinda Smyser's last meeting.</p> <p>The Youth Risk Behavior Survey will continue as well others that work directly with Drug Policy.</p> <p>The surveys are so important to help agencies get grant funding based on the data.</p> <p>There was a motion by Darrell Bolz to accept the amendments to the strategic plan and Eric Studebaker seconded. Motion carried.</p>	
9:45 am (15 min)	<p>Other ICJC Business</p> <p>Paul Wilde</p> <p>Meeting Calendar – Dates for 2021</p>	<p>Losing:</p> <p>Melinda Smyser</p> <p>Melissa Wintrow</p> <p>Paul Wilde</p> <p>January 29th</p> <p>February 26th</p> <p>March 26th</p> <p>April 30th</p> <p>May 28th</p> <p>June 25th</p> <p>July 30th</p> <p>August – No Mtg</p> <p>September 24th</p> <p>October 29th</p> <p>November 19th</p> <p>December 17th</p>	
10:00 am	Adjournment		

Next regularly scheduled meeting to be held in Boise, Friday, January 29, 2021

“Collaborating for a Safer Idaho”